CF 10L Single Bench (3)

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILAPUR [C.G.]

W.P. NO. 4826 OF 2004

PETITIONER — Vishwanath Misrha S/o Shri Dwarika Prasad Mishra, aged about 43 years, resident of 522-B Street-4 Smriti Nagar, Bhilai, Distt. Durg [C.G.]

VERSUS

RESPONDENT — Durg- Rajnandgaon Gramin Bank through President G.E. Road, Rajnandgaon [C.G.]

PETITION U/A 226 OF CONSTITUTION OF INDIA

104 Returned

(31)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 4826/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	10.11.2005 Petitioner by Shri Pankaj Agarwal, Advocate. Respondent by Shri P. S. Koshy, Advocate. The petitioner was working as Branch Manager of the respondent/Bank at Bemetera. He was due for promotion from the Officer Grade-I to the Officer grade-II as per the office letter dated 14.2.2000 (Annexure P/1). On consideration for promotion of the officers from the cadre of Officer Grade-I to the Officer Grade-II, a select list of 30 officers was prepared and 29 officers out of the select list were promoted to the post of Officer Grade-II. The officer placed at Srl. No.30 in the select list could not be promoted because his case was kept in a sealed cover due to the pendency of departmental enquiry against him. According to the petitioner, he is at number one in the waiting list. He has filed this petition stating that the officer at Srl. No.30 be not promoted and the petitioner be promoted in his place. Shri P. S. Koshy, learned counsel for the respondent submits that the petitioner has not acquired any right for promotion being at the top in the waiting list. 30 officers were selected for promotion after consideration of several officers, including the petitioner. As such, the petitioner cannot claim promotion on the ground that departmental enquiry is pending against the officer who had been selected at Srl.	

(32)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. 4826/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

No.30 and his case for promotion has been kept in sealed cover.

Having heard learned counsel for the parties and having considered the facts and circumstances of the case, I am of the opinion that the petitioner has not acquired any right for promotion as the petitioner had not been placed in the select list of 30 officers who were selected for promotion against the vacant posts. The petitioner is at number one in the waiting list and he can be considered for promotion only in case some officer is rejected on any count for promotion. In other words, the petitioner can be considered only when the sealed cover is opened and the officer placed at Srl. No.30 in the select list is not found fit to be promoted.

In view of the foregoing, I do not find any merit in the present petition to exercise the extra ordinary jurisdiction under Article 226 of the Constitution of India. The petition is dismissed. There shall be no order as to costs.

Sd/-
Satish K. Agnihotri
Judge

14.11.05
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